SURROGATE'S COURT, ERIE COUNTY, NEW YORK

In the Matter of the Estate of

WILLIAM H. TALBERT,

deceased.

STATE OF NEW YORK,)
COUNTY OF ERIE,)SS.:
CITY OF BUFFALO,)

ELIZABETH B. TALBERT, being duly sworn, deposes and says:

That she is a resident of the City of Buffalo, County of Erie and State of New York and is the widow of the late WILLIAM H. TALBERT, deceased, formerly of the City of Buffalo, Erie County, New York.

That the said WILLIAM H. TALBERT, deceased, died on or about the 20th day of January, 1930, at the City of Buffalo, County of Erie and State of New York; and that at the time of his death, he left surviving him the following heirs and next of kin:

ELIZABETH B. TALBERT, adult, widow, 118 Northland Ave., Buffalo, N.Y.;
SARAH MAE TALBERT, adult, daughter, , New York, New York;
MARY Y. KEELAND, adult, granddaughter, , New York.

At the time of his death, the said WILLIAM H. TALBERT, left over an Estate valued at Five thousand ($5000.00) Dollars; and before his death, he made a Will naming therein one J. Edward Nash as Executor.

That a few days after the death of the said WILLIAM H. TALBERT, deceased, the said J. Edward Nash was appointed Executor of the last Will and Testament of the said WILLIAM H. TALBERT, deceased; that thereafter, during the time the said J. Edward Nash was acting under authority of Letters Testamentary issued by this Court, several distant relatives of the said WILLIAM H. TALBERT, deceased, began litigation in the courts of this State to have the Will set aside; and that said litigation continued up to about August, 1934; that as a result of said litigation on the part of the relatives of the said WILLIAM H. TALBERT, deceased, the Estate

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was not settled and the transfer tax not assessed against the transferees under said Will and because of said litigation, this Court did not determine the assessed value of the interest transferred to your deponent until the 1st day of March, 1939; that the proportionate share of tax fixed by this Court as the share of your deponent, not including interest or penalty is Twelve Dollars ($12.64) and sixty-four cents, no part of which, has been paid.

That no previous application has been made for the relief requested herein.

WHEREFORE: Your deponent prays that this honorable Court will reduce the amount of interest payable under the tax law of this State as a penalty by your deponent on said transfer to deponent from ten per cent (10) to six per cent (6%) from January 20, 1930 to March 1, 1939, and that your deponent may have such other and further relief in the premises as may be just and proper.

Elizabeth B. Tarbert

Subscribed and sworn to before me this 4th day of April, 1941.

Julian Roaus,
Commissioner of Deeds, inand for the City of Buffalo, N.Y.

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State of New York)
COUNTY OF.....) SS.
..... OF.....)

.....being duly sworn deposes and says that he is.....in this action; that he.....read the foregoing.....
and knows the contents thereof: that the same is true to the knowledge of deponent, except as to the matters therein stated to be alleged on information and belief, and that as to those matters he believes it to be true.

.....

Sworn to before me, this.....
day of.....19.....

.....

AFFIDAVIT OF PERSONAL SERVICE

State of New York)
County of) SS.

.....being duly sworn, deposes and says, that he is over the age of.....years. That on the.....day of.....19
at.....in the .....
he served the foregoing.....upon .....
by delivering to and leaving personally with said.....
a true copy thereof. Deponent further says, that he knew the person served as aforesaid, to be.....the person mentioned and described in said .....as the.....therein.

Sworn to before me this
day of 19

.....

.....

AFFIDAVIT OF SERVICE BY MAIL

State of New York)
County of) SS.

....., being duly sworn, deposes and says that he is
.....the attorney for the above named.....herein.
That on the.....day of.....19..... he served the within.....
upon .....the attorney for the above named.....
by depositing a true copy of the same securely enclosed in a postpaid wrapper in the Post-Office—a Branch Post-Office—a Post-Office Box regularly maintained by the United States Government at
.....in said County of.....
directed to said attorney for the..... at .....
N. Y., that being the address within the State designated by h for that purpose upon the preceding papers in this action, or the place where he then kept an office between which places there then was and now is a regular communication by mail.

Deponent is over the age of.....years.

Sworn to before me this
day of 19

.....

.....

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SIRS:

Please take notice of an

of which the within is a copy, this day duly entered in the office of the Clerk of the County of

Dated, 19

Yours, etc.

To

Attorney for

State of New York

SURROGATE'S COURT

COUNTY OF ERIE

In the Matter of the Estate of

WILLIAM H. TALBERT,

deceased.

ORIGINAL

AFFIDAVIT

JULIAN J. EVANS,
ATTORNEY FOR PETITIONER,
Office & P.O. Address,
305 William Street,
Buffalo, New York.

Due and Personal service of a copy of the within

and notice of entry is admitted this

day of 19

Attorney for

EAGLE STATIONERY CORPORATION BUFFALO, N. Y.

SURROGATE'S OFFICE ERIE COUNTY FILED APR 23 1941

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